

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

v.

RONALD SHAFFER,

Defendant.

CRIM. NO. 13-247 (PG)

ORDER

The Court has evaluated the Magistrate-Judge's Report and Recommendation of the Rule 11 proceedings regarding defendant RONALD SHAFFER, contained in the Report and Recommendation (R&R) of October 9th, 2014, see Docket No. 24.

The principal consideration is whether that plea was knowingly, voluntary and intelligently made within the terms of Rule 11, see United States v. Isom, 85 F. 3d 831, 835-837 (1st Cir.1996). In order to ascertain whether defendant made a knowingly, voluntary and intelligent plea, the Court of Appeals of the First Circuit has identified three core concerns: absence of coercion, defendant's understanding of the charges and the defendant's knowledge of the consequences of the guilty plea. See United States v. Gray, 63 F. 3d 60-61, (1st Cir. 1995), United States v. Cotal-Crespo, 47 F.3d 1, 4 (1st Cir.1995). The court, in examining the three core concerns, must "review the totality of the circumstances surrounding the Rule 11 hearing, rather than apply a 'talismanic test'," Cotal-Crespo, 47 F. 3d at 4-5.

Having thoroughly reviewed it, the court now **ADOPTS** the Magistrate's Report and Recommendation and finds that the plea was knowingly, voluntary and intelligent as understood in the terms of Rule 11. The plea of defendant RONALD SHAFFER, is therefore, accepted and the defendant is adjudged guilty as to Count One (1) of the Indictment.

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IT IS SO ORDERED.

In San Juan, Puerto Rico, November 4, 2014

S/ JUAN M. PÉREZ-GIMÉNEZ
JUAN M. PÉREZ-GIMÉNEZ
UNITED STATES DISTRICT JUDGE